

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Dario SANSONE et al.)	Group Art Unit: 3611
)	
Application No.: 10/659,794)	Examiner: Kevin HURLEY
)	
Filed: September 11, 2003)	
)	
For: VEHICLE WITH RETRACTABLE)	Confirmation No.: 4545
AND STEERABLE REAR WHEEL)	
(As Amended))	

Mail Stop: Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**Petition Under 37 C.F.R. § 1.183 Requesting Waiver
of Signature Requirement for a Non-signing Inventor**

Pursuant to 37 C.F.R. § 1.183 and M.P.E.P. § 1414.01(III), this petition respectfully requests that the Commissioner waive the signature requirements of a non-signing inventor and to accept the accompanying Declaration signed by the remaining inventor, Dario Sansone, on behalf of deceased inventor Ubaldo Puglia and on behalf of Mr. Puglia's non-signing heir and representative, Ferrante Milvia (widow of Ubaldo Puglia). This petition under 37 C.F.R. § 1.183 is made in accordance with the procedures and requirements of 37 C.F.R. § 1.47 and M.P.E.P. § 409. The required fee payment of \$400.00 under 37 C.F.R. § 1.17(f) for this petition is enclosed.

Attachments - Exhibit A - communication from Farrante Milvia, with translation

Exhibit B - assignment document

Remarks

The above referenced application is a broadening reissue application of U.S. Patent No. 6,286,615. Pursuant to reissue practice, Dario Sansone and Ubaldo Puglia previously executed reissue declarations in this application in accordance with 37 C.F.R. § 1.175 and M.P.E.P. § 1410.01. A new reissue declaration in accordance with 37 C.F.R. §§ 1.175(a) and 1.175(b)(1) is now being required to overcome rejections made during prosecution of this reissue application under 35 U.S.C. § 251. Ubaldo Puglia has died during the pendency of this reissue application.

M.P.E.P. § 409 outlines the requirements and procedures for the death, legal incapacity, or unavailability of an inventor in patent applications. According to M.P.E.P. § 409.01(a), an application may be made by the heirs of a deceased inventor. Accordingly, reasonable effort and diligence was made to obtain the signature of Ubaldo Puglia's widow for the reissue declaration, in accordance with M.P.E.P. § 409.01(a). After reasonable diligence, Mr. Puglia's widow refuses to sign the new reissue declaration.

If a joint inventor refuses to sign a supplemental declaration in a reissue application, such a declaration listing all of the inventors and signed by all available inventors may be filed provided it is accompanied by a petition filed under 37 C.F.R. § 1.183, along with the petition fee, and requesting waiver of the signature requirement of the non-signing inventor. M.P.E.P. § 1414.01(III).

A statement of pertinent facts is set forth below.

Statement of Pertinent Facts

The above-identified reissue application is a broadening reissue application of U.S. Patent No. 6,286,615, and was filed in the United States Patent & Trademark Office ("USPTO") on September 11, 2003. The USPTO issued a Notice to File Missing Parts, requiring among other things, an executed reissue declaration under 37 C.F.R. § 1.175. In response, a declaration from Dario Sansone and Ubaldo Puglia was filed on December 22, 2003.

During prosecution of this reissue application, subsequent reissue declarations have been filed. Most recently, on August 7, 2009, a fully executed Revised Reissue Declaration, under 37 C.F.R. § 1.175, was filed with signature by both Dario Sansone and Ubaldo Puglia.

On September 30, 2010, the USPTO issued an Office Action that, in part, requires a supplemental reissue declaration to be submitted. Since the filing of the last declaration, Ubaldo Puglia has died.

Dario Sansone has presented Mrs. Milvia with a copy of the dual-language (English and Italian) reissue declaration submitted herewith, as well as copies of U.S. Patent No. 6,286,615, the reissue application papers, and the changes made to U.S. Patent 6,286,615 during prosecution of this reissue application. In addition, Mr. Sansone has explained the materials and requirement and procedure for the declaration to Mrs. Milvia. As evidenced in the attached communication from Mrs. Milvia, including translation (Exhibit A), she refuses to sign the reissue declaration, without additional compensation, which is not required according to the assignment of Ubaldo Puglia's interest in U.S. Patent No. 6,286,615 and any reissue applications based thereon

(Exhibit B). Mrs. Milvia's last known residence is Via Fratelli, Cervi, 2, 40055 Castenaso, Bologna, Italy.

Conclusion

Accordingly, this petition under 37 C.F.R. 1.183 and pursuant to M.P.E.P. § 1414.01(III), is being filed with the USPTO in response to the Office Action dated September 30, 2010 along with a new reissue declaration, containing the signature the remaining co-inventor, Dario Sansone, without the signature of deceased co-inventor Ubaldo Puglia and without the signature of Mr. Puglia's heir and widow Ferrante Miviato.

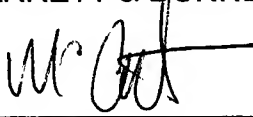
Therefore, it is requested that the Commissioner approve this Petition and the accompanying Declaration and allow prosecution on the merits to continue in the above-identified reissue application.

If there are any other fees required for filing this paper, including any additional fees for extensions of time, please charge these fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 30, 2011

By: 

Timothy P. McNulty
Reg. No.56,939

EXHIBIT A

Caterpillar: Green


Retain until:

04/23/2011

From: Dario Sansone/OG/Caterpillar
To: Timothy McAnulty/0A/Caterpillar@Caterpillar, Carl E. Myers/0A/Caterpillar@Caterpillar

Date: Thursday, March 24, 2011 01:15PM

Subject: Fw: Brevetto di Ubaldo Puglia

History:  This message has been replied to and forwarded.

Tim, Carl,

hereunder the written answer of Ubaldo's wife (Ferrante Milvia).

The essence is that she would sign only documents in Italian on Cat letterheaded paper and upon her verification + she requires a payment to do that (not indicated how much).

Let me know your comments.

Dario Sansone
 Engineering Manager

Caterpillar Servizi Italia
 Via IV Novembre,2
 40061 Minerbio (BO) Italy

Work: +39-051-6607211

Think about the environment before printing

----- Forwarded by Dario Sansone/OG/Caterpillar on 24/03/2011 18.06 -----

"rizzoli"	To	
<rizzoli.davide@alice.it>		<Sansone_Dario@cat.com>
	cc	
24/03/2011 17.10	Subject	
		Brevetto di Ubaldo Puglia

Caterpillar: Confidential Green Retain Until: 23/04/2011

A seguito richiesta della Caterpillar circa alcuni documenti da firmare, io sottoscritta Ferrante Milvia in Puglia come già comunicato verbalmente al Sig. Sansone sono a rendermi disponibile a firmare solo se l'intero contenuto di tali documenti viene ritrascritto su Vostra carta intestata in italiano e dopo mia relativa visione. Inoltre ritenendo che ciò comporti un diritto ad un mio compenso sono con la presente a richiederlo. Con l'occasione porgo distinti saluti.
 Ferrante Milvia

Da: Dario Sansone [mailto:Sansone_Dario@cat.com]

Inviato: venerdì 18 marzo 2011 10.15

A: rizzoli@iol.it

Oggetto: All'attenzione della signora Milvia Puglia- Brevetto di Ubaldo Puglia - firma per aggiornamento

Priorità: Alta

Gentile Signora Milvia,

le scrivo per chiederle se ha avuto modo di valutare il materiale che le ho inviato qualche settimana fa riguardo il brevetto in oggetto e se è disponibile firmare tali documenti.

Qualunque sia la sua decisione, la prego di comunicarmela al più presto, in quanto si stanno avvicinando i termini entro cui la domanda deve essere depositata.

La ringrazio per la gentilissima collaborazione e le porgo i miei più

Cordiali Saluti

Dario Sansone
Engineering Manager

Caterpillar Servizi Italia
Via IV Novembre,2
40061 Minerbio (BO) Italy

Work: +39-051-6607211

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----Forwarded by Dario Sansone/OG/Caterpillar on 03/24/2011 4:06pm-----

To: Sansone Dario@cat.com

cc: rizzoli.davide@alice.it [*← tr. note: I believe this is the person copied but the positioning is unclear/shifted in the original*]

Subject: Ubaldo Puglia patent

Date: 03/24/2011 5:10pm

Caterpillar: Confidential Green Retain until: 04/23/2011

Pursuant to a request from Caterpillar regarding documents to be signed, I, the undersigned Ferrante Milvia in Puglia, as already communicated verbally to Mr. Sansone, am willing to make myself available to sign only the full content of said documents as re-transcribed in Italian on your letterhead and following my review. Bearing in mind that this includes my right to be compensated, I hereby request such payment. With my best wishes. Ferrante Milvia

From: Dario Sansone [mailto:Sasone_Dario@cat.com]

Date: Friday March 18, 2011 10:15AM

Re: Attention Mrs. Milivia Publia - Ubaldo Puglia Patent - Signature for updating purposes.

Priority: High

Dear Mrs. Milvia,

I'm writing to see if you have had a chance to evaluate the materials I sent you some weeks ago regarding the above-referenced patent, and to see whether you are available to sign said documents.

Whatever your decision is, I would ask that you please let me know as soon as possible because the deadlines before which the application must be filed are approaching.

With thanks for your consideration in this matter, I offer you my

Best wishes

Dario Sansone

Engineering manager

Caterpillar Servizi Italia

via IV Novembre 2

40061 Minerbio (BO) Italy

Work: +39=051-6607211

Think about the environment before printing.

EXHIBIT B

ASSIGNMENT

WHEREAS We, the Inventors (hereinafter referred to as Assignors), of the invention described in the following U.S. Patent

U.S. Patent No. 6,286,615 B1

Issued: September 11, 2001

Title: Heavy Vehicle for Breaking Up Ground with Retracting and Steering Rear Wheels

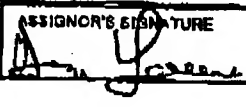
WHEREAS, Bittell S.p.A., a corporation of Italy whose post office address is Via IV Novembre, 2, 40081, Minerbio, Bologna, Italy (hereinafter referred to as Assignee), is desirous of securing the entire right, title, and interest in and to U.S. Patent No. 6,286,615 B1;

NOW THEREFORE, be it known that for good and valuable consideration the receipt of which from Assignee is hereby acknowledged, we, as Assignors, have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the Assignee, its lawful successors and assigns, our entire right, title, and interest in and to U.S. Patent No. 6,286,615 B1, and all divisions, and continuations thereof, and all other Letters Patent of the United States which may be granted thereon, and all reissues thereof, as well as all rights to claim priority on the basis of U.S. Patent No. 6,286,615 B1, and all Letters Patent which may hereafter be filed for this invention in any foreign country and all Letters Patent which may be granted on this invention in any foreign country, and all extensions, renewals, and reissues thereof, and we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any foreign country whose duty it is to issue patents on applications as described above, to issue all Letters Patent from U.S. Patent No. 6,286,615 B1 to Assignee, its successors and assigns, in accordance with the terms of this Assignment;

AND, WE HEREBY covenant that we have the full right to convey the interest assigned by this Assignment, and we have not executed and will not execute any agreement in conflict with this Assignment;

AND, WE HEREBY further covenant and agree that we will, without further consideration, communicate with Assignee, its successors and assigns, any facts known to us respecting this invention, and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver any and all papers that may be necessary or desirable to perfect the title to U.S. Patent No. 6,286,615 B1 in said Assignee, its successors or assigns, execute all divisional, continuation, and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors and assigns, to obtain and enforce proper patent protection from U.S. Patent No. 6,286,615 B1 in the United States and any foreign country, it being understood that any expense incident to the execution of such papers shall be borne by the Assignee, its successors and assigns.

IN TESTIMONY WHEREOF, We have hereunto set our hands,

1. FULL NAME OF SOLE OR FIRST ASSIGNOR	ASSIGNOR'S SIGNATURE	DATE
Dario Sansone		17/12/2003
ADDRESS		CITIZENSHIP
Via Bacchelli, 21, Localita, Mascherino, Italy		Italian

1. WITNESS NAME UBALDO PUGLIA	WITNESS SIGNATURE <i>Ubaldo</i>	DATE 17/12/2003
ADDRESS VIA FRATELLI CERVI, 2, 40055 CASTENASO (BOLOGNA), ITALY		CITIZENSHIP ITALIAN

2. WITNESS NAME FRANCESCO PISANO	WITNESS SIGNATURE <i>F. Pisano</i>	DATE 17.12.2003
ADDRESS VIA TRILUSSA, 2 40132 BOLOGNA (BO)		CITIZENSHIP ITALIAN

2. FULL NAME OF SOLE OR SECOND ASSIGNOR Ubaldo Puglia	ASSIGNOR'S SIGNATURE <i>Ubaldo</i>	DATE 17/12/2003
ADDRESS Via Fratelli, Cervi, 2, 40055 Castenaso, Bologna, Italy		CITIZENSHIP Italian

1. WITNESS NAME APRIO SANSONE	WITNESS SIGNATURE <i>Aprio Sansone</i>	DATE 17/12/2003
ADDRESS VIA R. BACCHELLI, 21 40050 CASTELLO D'ARLILE (BO)		CITIZENSHIP ITALIAN

2. WITNESS NAME Francesco Pisano	WITNESS SIGNATURE <i>F. Pisano</i>	DATE 17.12.2003
ADDRESS VIA TRILUSSA, 2 40132 BOLOGNA (BO)		CITIZENSHIP ITALIAN

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